United Nations S/2009/29

Security Council

Distr.: General
12 January 2009
English
Original: English/French

France: draft resolution

The Security Council,

Recalling its resolutions and the statements of its President concerning Chad, the Central African Republic and the subregion, including resolution 1778 (2007), resolution 1834 (2008), and its resolution 1769 (2007),

Reaffirming its commitment to the sovereignty, unity, territorial integrity and political independence of Chad and the Central African Republic, and to the cause of peace in the region,

Reiterating its concern at the humanitarian and security repercussions in eastern Chad and the north-eastern Central African Republic of the ongoing violence in Darfur,

Deeply concerned at armed activities and banditry in eastern Chad, the north-eastern Central African Republic and western Sudan which threaten the security of the civilian population, the conduct of humanitarian operations in those areas and the stability of those countries, and which result in serious violations of human rights and international humanitarian law,

Welcoming the recent resumption of diplomatic relations between the Governments of Chad and Sudan and the efforts by the Government of Libya to promote it, and *stressing* that a further improvement of relations between Sudan, Chad and the Central African Republic will contribute to long-term peace and stability in the region,

Stressing also that a proper settlement of the Darfur issue, the full implementation of the Sirte and Libreville agreements, and the efforts of national political dialogue in Chad and the Central African Republic, will contribute to long-term peace and stability in the region and to the voluntary, secure and sustainable return of refugees and internally displaced persons,

Reiterating its full support for the efforts of the Secretary-General, the African Union and regional actors to find solutions to armed conflicts in the region,

Reaffirming that any attempt at destabilization through violent means or seizing power by force is unacceptable,

Reaffirming its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, 1502 (2003) on the protection of humanitarian and United Nations personnel, and 1674 (2006) on the protection of civilians in armed conflict,

09-20832 (E) 140109

Reaffirming its resolution 1612 (2005) on children in armed conflict, *taking note* of the report of the Secretary-General on children and armed conflict in Chad (S/2008/532) and the recommendations therein, and *recalling* the conclusions regarding Chad adopted by its Working Group on Children and Armed Conflict (S/AC.51/2008/15), as approved by the Council,

Recognizing that the Governments of Chad and the Central African Republic bear primary responsibility for ensuring the security of civilians in their territories,

Bearing in mind the Convention relating to the Status of refugees of 28 July 1951 and its additional protocol of 16 December 1966, along with the 1969 Convention of the Organization of African Unity governing the specific aspects of refugee problems in Africa,

Emphasizing the need to respect international refugee law, preserve the civilian and humanitarian nature of the refugee camps and internally displaced persons sites and prevent any recruitment of individuals, including children, which might be carried out in or around the camps and sites by armed groups,

Recalling its authorization under resolution 1778 of a multidimensional presence in the regions of eastern Chad and the north-eastern Central African Republic indicated in paragraph 37 of the report of the Secretary-General (S/2007/488) of 10 August 2007 (hereinafter referred to as "eastern Chad and the north-eastern Central African Republic"),

Commending the deployment by the European Union of an operation (EUFOR Chad/CAR) to support the United Nations Mission in the Central African Republic and Chad (MINURCAT), and *recalling* that the mandate of EUFOR Chad/CAR runs until 15 March 2009,

Welcoming the ongoing selection and training by MINURCAT of police and gendarmerie officers of the Détachement intégré de sécurité (DIS), and *stressing* the need to expedite the deployment of DIS,

Having examined the report of the Secretary-General (S/2008/760) of 4 December 2008 (hereinafter referred to as "the report of the Secretary-General") and its recommendations on the arrangements for following up EUFOR Chad/CAR at the end of its mandate,

Welcoming the letter from the President of Chad dated 6 January 2009 and the letter from the President of the Central African Republic dated 5 December 2008 regarding the deployment of a military component of MINURCAT in both countries to follow up EUFOR at the end of its mandate,

Determining that the situation in the region of the border between the Sudan, Chad and the Central African Republic constitutes a threat to international peace and security,

1. *Decides* to extend for a period of 12 months, in accordance with paragraphs 2 to 7 below, the multidimensional presence in Chad and military presence in the Central African Republic intended to help create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, inter alia by contributing to the protection of refugees, displaced persons and civilians in danger, by facilitating the provision of humanitarian assistance in eastern Chad and the north-eastern Central African Republic and by

creating favourable conditions for the reconstruction and economic and social development of those areas;

2. *Decides*, for that purpose, to extend until 15 March 2010 the mandate of MINURCAT, as set out in paragraphs 6 and 7 below;

3. *Authorizes* the deployment of a military component of MINURCAT to follow up EUFOR in both Chad and the Central African Republic at the end of its mandate, *welcomes* the concept of operations proposed in paragraphs 57 to 61, and in option 2 of paragraph 62 of the report of the Secretary-General, and *decides* that the transfer of authority between EUFOR and the military component of MINURCAT will take place on 15 March 2009;

4. *Decides* that MINURCAT shall include a maximum of 300 police officers, 25 military liaison officers, 5200 military personnel, and an appropriate number of civilian personnel;

5. *Recalls* that in paragraph 5 of resolution 1778, it endorsed the police concept referred to in the report of the Secretary-General (S/2007/488) of 10 August 2007, including the provisions regarding the establishment of the Police tchadienne pour la protection humanitaire (PTPH), now Détachement intégré de sécurité (DIS), which is dedicated exclusively to maintaining law and order in refugee camps, sites with concentrations of internally displaced persons and key towns in neighbouring areas and to assisting in securing humanitarian activities in eastern Chad;

6. *Decides* that MINURCAT shall have the following mandate in eastern Chad and the north-eastern Central African Republic, in liaison with the United Nations country team and, as appropriate, in liaison with the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) and without prejudice to the mandate of BONUCA:

Security and protection of civilians

(a) To select, train, advise and facilitate support to elements of the Détachement intégré de sécurité referred to in paragraph 5;

(b) To liaise with the national army, the gendarmerie and police forces, the nomad national guard, the judicial authorities and prison officials in Chad and the Central African Republic to contribute to the creation of a more secure environment, combating in particular the problems of banditry and criminality;

(c) To liaise with the Chadian Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) in support of their efforts to relocate refugee camps which are in close proximity to the border, and to provide to UNHCR, on availability and cost-reimbursable basis, logistical assistance for that purpose;

(d) To liaise with the Sudanese Government, the African Union/United Nations Hybrid Operation in Darfur (UNAMID), BONUCA, the Multinational Force of the Economic Community of Central African States in the Central African Republic (MICOPAX) and the Community of Sahelo-Saharan States (CEN-SAD) to exchange information on emerging threats to humanitarian activities in the region;

(e) To support the initiatives of national and local authorities in Chad to resolve local tensions and promote local reconciliation efforts, in order to enhance the environment for the return of internally displaced persons;

Human rights and the rule of law

(f) To contribute to the monitoring and to the promotion and protection of human rights in Chad, with particular attention to sexual and gender-based violence, and to recommend action to the competent authorities, with a view to fighting impunity;

(g) To support, within its capabilities, efforts aimed at strengthening the capacity of the Government of Chad and civil society through training in international human rights standards, and efforts to put an end to recruitment and use of children by armed groups;

(h) To assist the Government of Chad in the promotion of the rule of law, including through support for an independent judiciary and a strengthened legal system, in close coordination with United Nations agencies;

Regional peace support

(i) To continue to play a role as observer with UNAMID in the Contact Group that was established under the 13 March 2008 Dakar Accord to monitor its implementation and assist, as necessary, the Governments of Chad, the Sudan and the Central African Republic to build good neighbourly relations;

7. *Acting* under Chapter VII of the Charter of the United Nations:

(a) *Decides* further that MINURCAT shall be authorized to take all necessary measures, within its capabilities and its area of operations in eastern Chad, to fulfil the following functions, in liaison with the Government of Chad:

(i) To contribute to protecting civilians in danger, particularly refugees and internally displaced persons;

(ii) To facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations;

(iii) To protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its staff and United Nations and associated personnel;

(b) *Decides* further that MINURCAT shall be authorized to take all necessary measures, within its capabilities and its area of operations in the north-eastern Central African Republic, to fulfil the following functions, through establishing a permanent military presence in Birao and in liaison with the Government of the Central African Republic:

(i) To contribute to the creation of a more secure environment;

(ii) To execute operations of a limited character in order to extract civilians and humanitarian workers in danger;

(iii) To protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its staff and United Nations and associated personnel;

(c) *Noting* the agreements entered into by the Secretary-General and the Governments of Chad and the Central African Republic on the status of MINURCAT, dated 21 March 2008 and 21 November 2008 respectively, *requests* the Secretary-General and both Governments to conclude, prior to 15 March 2009, amendments to those agreements to ensure that they fully cover MINURCAT, including its military component authorized by this resolution, taking into account General Assembly resolution 59/47 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, General Assembly resolution 60/42 on the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel and General Assembly resolution 63/138 on the Safety and Security of Humanitarian Personnel and the Protection of United Nations Personnel, and *decides* that the model status-of-forces agreement of 9 October 1990 (A/45/594) shall apply provisionally to supplement the existing agreements pending their amendment;

8. *Requests* the Secretary-General and the Governments of Chad and the Central African Republic to cooperate closely throughout the period of deployment of MINURCAT;

9. *Recalls* that it authorized the European Union operation, after 15 March 2009, to take all appropriate measures to achieve an orderly disengagement, by means including fulfilment of the functions indicated in paragraph 6, subparagraph a of resolution 1778, within the limits of its residual capacity;

10. *Requests* the European Union and the Secretary-General to continue to cooperate closely throughout the period of deployment of the European Union operation, until its complete disengagement;

11. *Underscores* the importance that the military concept of operations and rules of engagement be fully in line with the provisions of this resolution, and *requests* the Secretary-General to report on them to the Security Council and Troop Contributing Countries;

12. *Encourages* the Governments of Chad and the Central African Republic to continue to cooperate with the United Nations and the European Union to facilitate the smooth transition from EUFOR to the United Nations military component, including the handover of all sites and infrastructure established by EUFOR to the United Nations follow-on presence;

13. *Calls on* the Government of Chad, and MINURCAT according to its mandate, to expedite and complete the selection, training and deployment of DIS;

14. *Encourages* Member States to contribute the necessary force requirements for MINURCAT, in particular the helicopters, reconnaissance elements, engineers, logistics and medical facilities;

15. *Urges* all the Member States, particularly the States bordering Chad and the Central African Republic, to facilitate the delivery to Chad and the Central African Republic freely, without obstacles or delay, of all personnel, equipment, provisions, supplies and other goods, including vehicles and spare parts, intended

for MINURCAT, and the European Union operation until its complete disengagement;

16. *Invites* donors to continue to contribute to the MINURCAT trust fund, established to support DIS;

17. *Exhorts* the donor community to sustain its efforts to address the humanitarian, reconstruction and development needs of Chad and the Central African Republic;

18. *Calls upon* all the parties to cooperate fully in the deployment and operations of MINURCAT, and the European Union operation until its complete disengagement, including by guaranteeing the security and freedom of movement of their personnel and associated personnel;

19. *Encourages* the respective Governments of the Sudan, Chad and the Central African Republic to ensure that their territories are not used to undermine the sovereignty of others, to cooperate actively with a view to implementing the Dakar Accord of 13 March 2008 and previous agreements, and to cooperate with a view to putting an end to the activities of armed groups in the region and their attempts to seize power by force, and *welcomes* the role played in particular by the Dakar Contact Group, the Governments of Libya and the Republic of Congo as African Union mediators, as well as the African Union and the United Nations, including through the Special Representative of the Secretary-General, head of MINURCAT, in support of the Dakar process;

20. *Demands* that armed groups cease violence immediately and *urges* all parties in Chad and the Central African Republic, respectively, to respect and implement the Sirte agreement of 25 October 2007 and the comprehensive peace agreement signed in Libreville on 21 June 2008;

21. *Encourages* the authorities and political stakeholders in Chad and the Central African Republic to continue to pursue their efforts of national dialogue, with respect for the constitutional frameworks, *welcomes* the holding of the inclusive political dialogue in the Central African Republic, with the support of the dialogue Chair, Pierre Buyoya, and the regional peace facilitator, President Omar Bongo Ondimba of Gabon, and the conclusion of the inclusive political dialogue that calls for a government gathering the entities participating in the dialogue, *emphasizes* also the importance of the political agreement for the reinforcement of the democratic process signed in N'Djamena on 13 August 2007 and *encourages* the parties to proceed with its implementation in particular with a view to holding early elections;

22. *Reaffirms* the obligation of all parties to implement fully the rules and principles of international humanitarian law, particularly those regarding the protection of humanitarian personnel, and furthermore *requests* all the parties involved to provide humanitarian personnel with immediate, free and unimpeded access to all persons in need of assistance, in accordance with applicable international law;

23. *Encourages* efforts by MINURCAT and the United Nations country team, including through the appointment of child protection advisers, to prevent the recruitment of refugees and children and to maintain the civilian nature of refugee

camps and internally displaced person sites, in coordination with DIS and the humanitarian community;

24. *Takes note* of the measures already undertaken by the authorities of Chad to put an end to the recruitment and use of children by armed groups, *encourages* them to pursue their cooperation with United Nations bodies in this regard, particularly UNICEF, and *calls on* all the parties involved to ensure that children are protected;

25. *Endorses* the benchmarks presented in paragraph 70 of the report of the Secretary-General towards the exit strategy of MINURCAT, and *stresses* in particular the following:

(a) Voluntary return and resettlement in secure and sustainable conditions of a critical mass of internally displaced persons;

(b) Demilitarization of refugee and internally displaced person camps as evidenced by a decrease in arms, violence and human rights abuses;

(c) Improvement in the capacity of Chadian authorities in eastern Chad, including national law enforcement agencies, the judiciary and the prison system to provide the necessary security for refugees, internally displaced persons, civilians and humanitarian workers with respect for international human rights standards;

26. *Stresses* that an improved capacity of the Government of the Central African Republic to exercise its authority in the north-eastern part of the country is also critical to the fulfilment of the objectives of MINURCAT as set out in paragraph 1, and *calls on* the Government of the Central African Republic, Member States, BONUCA, United Nations agencies and the Peacebuilding Commission, to provide the necessary support to the reform of the security sector in the Central African Republic;

27. *Stresses* that improved cooperation between the Sudan, Chad and the Central African Republic with a view to putting an end to the activities of armed groups in the region is also critical to the restoration of peace and security in eastern Chad and the north-eastern Central African Republic;

28. *Requests* the Secretary-General to continue to report regularly, and at least every three months, on the security and humanitarian situation, including movements of refugees and internally displaced persons, in eastern Chad, the north-eastern Central African Republic and the region, on progress in the implementation of the relevant agreements, on progress towards the fulfilment of the benchmarks in paragraphs 25 and 26 above, and on the implementation of the mandate of MINURCAT, and to provide the Security Council, with the same regularity, a specific update on the military situation;

29. *Requests* the Secretary-General to inform the Security Council in his upcoming reports on the development of a strategic workplan containing indicative timelines to measure and track progress on the implementation of the benchmarks in paragraphs 25 and 26 above with a view to meeting them by 15 March 2011;

30. *Stresses* that it will take duly into account the progress against those benchmarks when considering the possible renewal of MINURCAT's mandate beyond 15 March 2010;

31. *Decides* to remain actively seized of the matter.